



Voluntary Disclosure Agreement
April 29, 2008

What is voluntary disclosure?

Voluntary disclosure is the process of reporting previously unpaid tax liabilities for any tax administered by the Louisiana Department of Revenue. It is the taxpayer's opportunity to anonymously enter into an agreement to voluntarily pay these taxes without being penalized, and in most cases enjoy a limited "look-back" period.

This program can assist with registration and payment, provide technical assistance in determining tax liabilities, and answer other tax questions you may have. In most cases, taxpayers are contacted within two weeks of supplying the necessary information.

The Department of Revenue has a voluntary disclosure program for all the taxes that the agency administers, including (but not limited to):

- Individual income tax
- Sales and use tax
- Corporation income and franchise tax
- Severance taxes, including oil and gas severance tax
- Excise taxes

Who is eligible?

Anyone who has a filing requirement for a tax administered by the Louisiana Department of Revenue, who is not a registered taxpayer, and who has not been previously contacted by the Department concerning the filing requirement, is eligible for consideration of a voluntary disclosure agreement.

Who is not eligible?

A taxpayer who is registered but failed to file or who filed returns for any tax for which the voluntary disclosure agreement (VDA) is requested is not eligible for consideration. These taxpayers must file the appropriate original or amended return(s) and pay the tax, interest, and delinquent penalty due. However, the taxpayer may request a waiver of the delinquent penalty for a reasonable cause.

617 North Third Street
Baton Rouge, Louisiana 70802
225-219-2270 • 225-219-2267 Fax
www.revenue.louisiana.gov

A taxpayer who has been contacted by the Department of Revenue concerning a liability or potential liability for the tax for which a VDA is requested is not eligible for consideration. This includes any contact made for the purpose of performing an audit of the taxpayer's records. Disclosures relating to delinquencies or deficiencies that are obvious and would routinely generate a billing if not otherwise self-disclosed are not eligible for consideration. Disclosures related to non-filing affiliates of a taxpayer who has been contacted for audit are not eligible for consideration.

What are the benefits to the taxpayer?

When the tax and interest liabilities have been paid for the look-back period, all penalties will be waived unless the tax being disclosed has been collected but not remitted. In instances where tax is collected but not remitted, a request to waive some portion of the penalty may be submitted. Each request will be considered on a case-by-case basis for reasonable cause.

How far back will the Department look?

The look-back period is the period for which prescription would not have run had returns been timely filed, which is generally the current year and the three years immediately preceding the current year. See R.S. 47:1580 of the Louisiana Revised Statutes. Failure to take advantage of this program could result in the Department holding the taxpayer liable for all periods for which returns should have been filed. In the case of taxes collected but not remitted, the look-back period will be the taxable periods for which there were collected but unremitted taxes.

How do I apply?

You may apply anonymously by written request, using the application on the Department's website and providing all information requested on the application. You should be contacted within two weeks.

If upon review of your application, the Department of Revenue believes you are qualified to participate in the program, you will be mailed a blank agreement form into which you will incorporate your facts and representations. The Department will then consider all available information before deciding to enter into the agreement. You may remain anonymous until after the agreement is signed by both parties.

If you choose to forego anonymity and include your payment along with the voluntary disclosure application, please include your FEIN or SSN (as applicable) on your check to assist in properly applying the payment. Make your check payable to the Louisiana Department of Revenue.

Mail the voluntary disclosure application to:

Voluntary Disclosure Program
Office Audit Division
Louisiana Department of Revenue
PO Box 66362
Baton Rouge, Louisiana 70896-6362

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Baton Rouge, Louisiana 70802
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Attention: Pamela Fair

Or deliver to:

Louisiana Department of Revenue
LaSalle Building
Voluntary Disclosure Program/Office Audit Division
617 North Third St, Room 532
Baton Rouge, Louisiana 70821-3683

Applications may also be faxed to 225-219-0865 or 225-219-2267.

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